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8 Attorneys for Plaintiff
United States of America

9 UNITED STATES DISTRICT COURT
10 DISTRICT OF NEVADA

11 * * * * *

12 UNITED STATES OF AMERICA,
13 Plaintiff,
14 vs.
15 JAN ROUVEN FUECHTENER,
16 Defendant.

Case No. 2:16-cr-00100-GMN-CWH

**GOVERNMENT'S NOTICE OF INTENT TO CALL
EXPERT WITNESS**

17 **CERTIFICATION: This notice is timely filed.**

18 The United States of America, by and through its attorneys, DANIEL G.
19 BOGDEN, United States Attorney, and Cristina D. Silva and Elham Roohani, Assistant
20 United States Attorneys, hereby gives notice of intent to call an expert witness regarding
21 computer forensic analysis, forensic examinations of digital devices, online investigations,
22 offender characteristics, relationships between offenders, and the language used by
offenders in communicating about child exploitation and corresponding drug use.

23 **SUMMARY OF EXPERT WITNESS OPINION & QUALIFICATIONS**

24 Pursuant to Rule 16 (a)(1)(G) of the Federal Rules of Criminal Procedure, the
25 Government gives notice of its intent to call Sergeant Dennis Carry of the Washoe County
26 Sheriff's Office who is a former detective, and current sergeant and task force officer

1 assigned to the FBI's Cyber Crime Task Force, and Internet Crimes Against Children
2 Task Force in Northern Nevada. Sergeant Carry is trained in the investigation of crimes
3 involving child abuse, sexual exploitation, and sexual crimes against children, as well as
4 computer intrusion and hacking, cyber related fraud, and cyber terrorism.

5 Pursuant to Rule 702 of the Federal Rules of Evidence, the Government intends to
6 call Sergeant Carry to provide expert witness testimony regarding the investigation and
7 subsequent evidentiary findings in this case. Sergeant Carry also reviewed the data
8 recovered from digital forensic examinations of the digital devices recovered in this case.
9 As such, Sergeant Carry's testimony will include general computer forensics, peer-to-peer
10 file sharing networks, on-line distribution and sharing of child pornography, and other
11 computer issues related to on-line child pornography investigations. Sergeant Carry is
12 also expected to provide expert testimony and explanations regarding the process for
13 downloading peer-to-peer file sharing programs, the set-up process, the sharing
14 capabilities and other aspects of these programs that will assist the jury in understanding
15 the computer technology at issue in this matter and how the defendant distributed,
16 received, and advertised child pornography. Additionally, Sergeant Carry is expected to
17 provide expert testimony and explanations regarding offender characteristics,
18 relationships between offenders, and the language used by offenders in communicating
19 about child exploitation and corresponding drug use¹ on various social-networking and
20 social-media platforms.

21 All of the electronic devices seized from the Defendant and examined have been
22 made available to defense counsel. Sergeant Carry's expert testimony will be based upon
23 his lengthy experience as a detective, sergeant, and task force officer working cases

24 ¹ In the Ninth Circuit, "[d]rug jargon is well established as an appropriate subject for
25 expert testimony. . . . Officers may testify about their interpretations of 'commonly used
26 drug jargon' based solely on their training and experience." *United States v. Vera*, 770
F.3d 1232, 1241 (9th Cir. 2014) (citations omitted).

1 involving internet crimes against children. Sergeant Carry's curriculum vitae is attached
2 to this notice as Exhibit "1".

3 Accordingly, the Government provides notice of its intent to call Sergeant Dennis
4 Carry as an expert witness in the Government's case in chief.

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6 DATED this 28th day, June 2016

7 Respectfully submitted,

8 DANIEL G. BOGDEN
9 United States Attorney

10 //s//

11 CRISTINA D. SILVA
12 ELHAM ROOHANI
13 Assistant United States Attorneys
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CERTIFICATE OF SERVICE

I, Elham Roohani, certify that defense counsel was served with a copy of the
GOVERNMENT'S NOTICE OF INTENT TO CALL EXPERT WITNESS on this date by the below
identified method of service:

Jess Marchese, Esq.
Michael Sanft, Esq.
Counsel for the Defendant

Electronic Case Filing

DATE: June 28, 2016

//s//

ELHAM ROOHANI
Assistant United States Attorney